

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MICHAEL TILLMAN)	
Plaintiff, Pro-Se)	
)	
JOHN PAUL SMITH)	
Plaintiff, Pro-Se)	
)	
DONALD F. BLIZZARD, SR.)	
Plaintiff, Pro-Se)	
)	
v.)	DOCKET NO: 04-CV-40107-GAO
)	
JOHNSONDIVERSEY, INC.)	
[Incorrectly identified as "Johnson)	
Divsersay, Inc.])	
Defendant.)	
)	

MOTION OF THE DEFENDANT JOHNSONDIVERSEY, INC.,
TO DISMISS AND SEVER

The defendant, JohnsonDiversey, Inc., (incorrectly identified as "Johnson Divsersay, Inc.) (herein "JDI") moves as follows:

- a.) Under Fed. R. Civ. P. 12(b)(6) to dismiss the Plaintiffs' Complaint for failure to state a cause of action;
- b.) Under Fed. R. Civ. P. 12(b)(1) to dismiss Plaintiffs' Complaint for lack of subject matter jurisdiction;
- c.) Under Fed. R. Civ. P. 10(b) to dismiss Plaintiffs' Complaint for failure to conform with pleading formation;
- d.) Under Fed. R. Civ. P. 21 to sever the claims asserted by the three plaintiffs; and
- e.) Under Fed. R. Civ. P. 12(f) to strike improper prayers for relief and extraneous matters.

In the alternative, JDI moves under Fed. R. Civ. P. 12(e) for a more definite statement.

In further support of this Motion, JDI submits herewith a Memorandum of Law.

Respectfully Submitted,
The defendant,
JOHNSONDIVERSEY, INC.
By its attorneys,


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L.R. D. MASS. 7.1(A)(2) CERTIFICATION

I, Philip M. Hirshberg, Esquire, counsel for the moving defendant, hereby certify that pursuant to L. R. D. Mass. 7.1(A)(2), I have attempted to confer in good faith with the *pro se* plaintiffs to resolve or narrow the issues presented by the within Motion, and have thus far been unsuccessful.


Philip M. Hirshberg, Esq.